

IFW

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
(06:82)

In Re Application Of: Yoshikazu YAMAKAWA et al

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/585,337	November 16, 2006	N/A	02119	2856	2619

Title: Sampling Apparatus

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

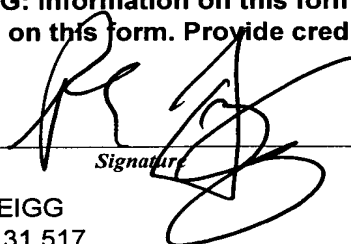
A copy of PCT/IB/338 and 373. A copy of PCT/ISA/237.

Please acknowledge receipt of the above documents by making them of record in the above identified application.

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Dated: 09 FEBRUARY 2007

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cc: Telephone: (703) 838-5500
Facsimile: (703) 838-5554



PATENT COOPERATION TREATY

PCT/JP2004/000214

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

FUKUI, Toyoaki
Uchihonmachi Matsuya Bldg.10th-860, 2-1-19
Uchihonmachi, Chuo-ku, Osaka-shi Osaka
5400026
JAPON

Date of mailing (day/month/year) 31 August 2006 (31.08.2006)	
Applicant's or agent's file reference KE01007PCT	IMPORTANT NOTIFICATION
International application No. PCT/JP2004/000214	International filing date (day/month/year) 14 January 2004 (14.01.2004)
Applicant KYOTO ELECTRONICS MANUFACTURING CO., LTD. et al	

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Yoshiko Kuwahara

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference KE01007PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2004/000214	International filing date (<i>day/month/year</i>) 14 January 2004 (14.01.2004)	Priority date (<i>day/month/year</i>)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant KYOTO ELECTRONICS MANUFACTURING CO., LTD.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 22 August 2006 (22.08.2006) Authorized officer <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Yoshiko Kuwahara</div> e-mail: pt07@wipo.int
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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference KE01007PCT		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/JP2004/000214	International filing date (day/month/year) 14.01.2004	Priority date (day/month/year)	
International Patent Classification (IPC) or both national classification and IPC			
Applicant KYOTO ELECTRONICS MANUFACTURING CO., LTD.			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2004/000214

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

This opinion has been established on the basis of a translation from the original language into the following language

_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐

a sequence listing

☐

table(s) related to the sequence listing

b. format of material

☐

in written format

☐

in computer readable form

c. time of filing/furnishing

☐

contained in the international application as filed.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2004/000214

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	3, 4	YES
	Claims	1, 2	NO
Inventive step (IS)	Claims		YES
	Claims	1 - 4	NO
Industrial applicability (IA)	Claims	1 - 4	YES
	Claims		NO
2. Citations and explanations:			
<p>Claims 1, 2 Document 1: JP 56-147013 A (Kyoto Electronics Manufacturing Co., Ltd.), 14 November 1981, Full text; all drawings</p> <p>Document 1 describes a sampling device provided with a peristaltic pump (the tube pump (4)) and two sets of light detectors for controlling the peristaltic pump.</p> <p>Also a technique of using the two sets of light detectors to detect a change in the sample flow volume due to clogging in the tube or the like and of controlling the pump to correct the flow volume change is disclosed. This examination therefore finds that constituting means for determining whether or not the sample has been introduced and means for controlling the peristaltic pump based on the determination results presents no particular difficulty.</p> <p>Claim 3 Document 2: WO 96/4067 A (FSM Technologies Ltd.), 15 February 1996, Full text; all drawings</p> <p>Document 1 discloses technique of determining whether or not a sample has been introduced based on the elapsed time since sampling and the output of the two sets of light detectors.</p> <p>Document 2 discloses a limit sensor (pressure sensors 20a and 20b) provided in the channel from the measuring unit (sensor 8) for discharging sample and technique of controlling a peristaltic pump 17 based on the output of the limit sensor.</p> <p>Since documents 1 and 2 both describe a sampling device, applying the technique disclosed in document 2 of providing a limit sensor in the channel from the measuring unit for discharging sample to the sampling device described in document 1 and constituting such as in claim 3 would be obvious for a person skilled in the art.</p> <p>Claim 4 Document 3: Microfilm of Japanese Utility Model Application No. 194044/1981 (Laid-open No. 100039/1983), Full text; all drawings</p> <p>Document 3 discloses a sheet (Teflon sheet (15)) at the seal portion of a sample container and a member inserted therein and buffer rubber (silicon rubber piece (14)).</p> <p>Since both documents 1 and 3 disclose a sampling device, applying the seal portion made from a sheet and buffer rubber disclosed in document 2 to the sampling device disclosed in document 1, and constituting such as in claim 4 would be obvious for a person skilled in the art.</p>			